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*Additional parties and counsel listed on signature  
page*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY PRODUCTS  
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

*People of the State of California, et al. v. Meta  
Platforms, Inc., et al.*

MDL No. 3047

Case Nos. 4:22-md-03047-YGR-PHK

4:23-cv-05448-YGR

**META AND CALIFORNIA GO-BIZ'S  
STIPULATION AND ~~[PROPOSED]~~  
ORDER REGARDING GO-BIZ'S  
PRODUCTION OF DOCUMENTS TO  
META**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

1 Pursuant to Civil Local Rule 7-12, the California Governor’s Office of Business and Economic  
2 Development (“GO-Biz”), Snap Inc. (“Snap”), and Defendants Meta Platforms, Inc.; Instagram, LLC;  
3 Meta Payments, Inc.; and Meta Platforms Technologies, LLC (collectively, “Meta,” and together with  
4 GO-Biz and Snap, the “Parties”), through their undersigned counsel, hereby stipulate as follows:

5 1. Meta and GO-Biz have met and conferred over the scope of a limited document production  
6 from GO-Biz relating to the grants and other incentives to social media companies. GO-Biz has informed  
7 Meta that, from January 1, 2012 through April 1, 2024, (a) the only social media recipients of GO-Biz’s  
8 grants and tax credits were Snap and Microsoft, and (b) only one other social media company (“Social  
9 Media Co. 1”) applied for GO-Biz’s grants or tax credits, but Social Media Co. 1 did not receive a grant  
10 or tax credit. Meta and GO-Biz agreed that GO-Biz will not need to search for or produce any documents  
11 solely related to Microsoft’s application.

12 2. On January 9, 2025, GO-Biz produced to Meta the only publicly available documents that  
13 relate to Snap’s receipt of the California Competes Tax Credit and Grant: a California Competes Tax  
14 Credit Allocation Agreement and a California Competes Grant Agreement.

15 3. Section 23689(k)(1) of the Revenue and Tax Code (RTC) (California Competes Tax  
16 Credit) and section 12096.6.5 of the Government Code (California Competes Grant) both state that RTC  
17 section 19542 “shall apply to all information obtained by the Franchise Tax Board and GO-Biz” for  
18 purposes of administering the Cal-Competes Tax Credit (section 23689(k)(1)) and Cal-Competes Grant  
19 Program (section 12096.6.5). Accordingly, GO-Biz contends that Revenue and Taxation Code section  
20 19542 prohibits GO-Biz from disclosing Snap’s application materials, Social Media Co. 1’s application  
21 materials, and documentation of GO-Biz’s decision-making process concerning these applications.  
22 Section 19542 provides in relevant part that “it is a misdemeanor for the Franchise Tax Board . . . or other  
23 officer or employee of the state . . . who in the course of their employment or duty has or had access to  
24 returns, reports, or documents required to be filed under this part, to disclose or make known in any manner  
25 information as to the amount of income or any particulars, including the business affairs of a corporation,  
26 set forth or disclosed therein.” GO-Biz also represented to Meta that (i) GO-Biz has consistently taken  
27 the position throughout the existence of the tax credit and grant programs that section 19542 prohibits the  
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1 disclosure of all materials relating to these programs except the agreements GO-Biz executes with the  
2 recipients of its tax credits and grants, *i.e.*, the agreements that GO-Biz has provided to Meta; and (ii)  
3 California Competes applicants are informed that section 19542 specifically prohibits the release of the  
4 application and application materials submitted as part of the application process, but that information  
5 contained in any successful applicants' agreement with GO-Biz would be posted on GO-Biz's website.  
6 *See, e.g.*, page 12 of [https://business.ca.gov/wp-content/uploads/2023/06/California-Competes-Tax-](https://business.ca.gov/wp-content/uploads/2023/06/California-Competes-Tax-Credit-FAQ-11-20-24.pdf)  
7 [Credit-FAQ-11-20-24.pdf](https://business.ca.gov/wp-content/uploads/2023/06/California-Competes-Tax-Credit-FAQ-11-20-24.pdf).

8 4. GO-Biz further contends that disclosure of documents concerning GO-Biz's decision-  
9 making process relating to Snap and Social Media Co. 1 would harm the State's interest in operating a tax  
10 credit and grant program that effectively promotes job creation in California because it would provide  
11 other states operating similar programs with insight into GO-Biz's deliberative processes.

12 5. Meta does not agree with GO-Biz's contentions or GO-Biz's suggestions that GO-Biz's  
13 selective quotations of the RTC or the Government Code are an accurate statement of the law. Meta  
14 nevertheless has narrowed its request for production from GO-Biz. Specifically, Meta requested that GO-  
15 Biz produce all documents relating to any incentives considered or provided to any social media company,  
16 including without limitation (1) the California Competes Tax Credit provided to Snap; (2) the California  
17 Competes Grant provided to Snap; (3) any social media company whose request for any tax credit or grant  
18 was declined; and (4) all documents concerning the decision-making for the foregoing (the "Requested  
19 Discovery");

20 6. Meta contends that the discovery is relevant to its defenses in this action, including whether  
21 the Plaintiff State of California promoted the use of social media through the provision of incentives to  
22 social media companies operating within the State, the reasons for providing such incentives, and why  
23 certain social media companies may have been provided such incentives and not others. GO-Biz contends  
24 that these statements are overbroad with respect to relevance. Meta and GO-Biz agree to meet and confer,  
25 if necessary, over the relevance of particular documents or portions of documents. Meta also has informed  
26 GO-Biz of its contention that any confidentiality concerns, including any protections provided in Article  
27 2 of the California Revenue and Tax Code (including with respect to responsive information that Snap  
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1 provided to GO-Biz), can be addressed with proper confidentiality designations made pursuant to the  
2 Protective Order in this case (ECF 1209);

3 7. GO-Biz contends that GO-Biz would commit a misdemeanor under section 19542 if it  
4 willingly provided Meta with the Requested Discovery utilizing the confidentiality designations under the  
5 Protective Order given that section 19542 does not provide any exceptions for limited disclosures. GO-  
6 Biz contends that, under State law, GO-Biz cannot provide Meta with the Requested Discovery. GO-Biz  
7 will therefore only provide the Requested Discovery over this objection in compliance with a court order.

8 8. Furthermore, GO-Biz contends that it has already provided Meta with non-protected  
9 information demonstrating that the State does not use these programs to promote the use of social media.  
10 Specifically, Revenue and Taxation Code section 23689 identifies the criteria that GO-Biz must use to  
11 evaluate applications for the California Competes Tax Credit, and those criteria evaluate whether the  
12 applicant would create good-paying jobs with generous benefits and training opportunities for workers in  
13 high poverty and low-income regions. The criteria do not mention social media, nor do they favor any  
14 particular kind of business or industry. Furthermore, in the twelve-year time period encompassed by  
15 Meta's request, GO-Biz has awarded one tax credit to one social media company (Snap), out of the 1,201  
16 businesses receiving tax credits. See <https://business.ca.gov/california-competes-tax-credit/awardee-list/>  
17 (identifying businesses). GO-Biz contends that these facts underscore that GO-Biz uses this program to  
18 promote jobs, not the use of social media. GO-Biz also contends that the California Competes Grant  
19 program, a three-year program that no longer exists, is similar. This program was designed to attract  
20 businesses that could not use the tax credit, including start-ups that have no income tax liability because  
21 their profits are less than their costs or businesses with other tax credits that would not be able to use a  
22 California income tax credit. Successful applicants had to (a) create 500 or more jobs, (b) invest over \$10  
23 million, and (c) expand in a high poverty and low-income region. The criteria from section 23689 were  
24 then applied. The grant program resulted in only 23 grant agreements, including one grant for a social  
25 media company (Snap).  
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1           9.       GO-Biz has also informed Meta, in response to questions from Meta, that one other social  
2 media company has applied for the California Competes Tax Credit – Social Media Co. 1 – but that  
3 application was not successful.

4           10.      GO-Biz maintains that the publicly available information is sufficient to demonstrate that  
5 the State’s tax credit and grant programs were not created for the purpose of promoting the use of social  
6 media, and have not in fact been used for that purpose. Accordingly, GO-Biz contends that any interest  
7 Meta may have in further document production from GO-Biz is both minimal and outweighed by the  
8 State’s strong policy prohibiting disclosure set forth in section 19542.

9           11.      Meta disagrees with GO-Biz’s contentions, but in light of GO-Biz’s willingness to produce  
10 responsive documents pursuant to this so-ordered stipulation, will not belabor the point. Suffice it to say  
11 that, among other things, Meta contends that even if GO-Biz’s programs were aimed at promoting job  
12 growth, documents discussing whether grants, tax credits, or other incentives should be given to social  
13 media companies and why may still be relevant to issues in this case, including whether social media  
14 causes teen mental health issues. Indeed, Meta contends that an internal document that decides to award  
15 a social media company such incentives without referring to, or considering the potential existence of, any  
16 causal link between social media and teen mental health would seem to undermine the State of California’s  
17 claim that such a link exists. GO-Biz disputes these contentions.

18           12.      GO-Biz and Meta have engaged in ongoing efforts to resolve any disagreements about GO-  
19 Biz’s responses. Following those discussions, GO-Biz maintains that it would produce documents only  
20 if ordered to do so by the Court, and it enters into this stipulation for the sole purpose of narrowing any  
21 production that the Court might order. Meta has agreed that it would only request such a Court order  
22 pursuant to the terms of this Stipulation which ensures that Snap has an opportunity to object to the  
23 disclosure of its protected information and that any disclosure is strictly limited in both scope and  
24 distribution.

25           13.      Snap does not take a position on any contention by GO-Biz or Meta in this stipulation,  
26 including any contention with respect to Meta’s defenses or GO-Biz’s legal obligations with respect to  
27 Snap’s protected information.  
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1           14.     Meta, GO-Biz, and Snap stipulate and agree as follows, if the Court so orders in response  
2 to Meta's request:

- 3           a.     GO-Biz shall conduct a reasonable search for all documents relating to any incentives  
4                 considered or provided to any social media company, including without limitation (1)  
5                 the California Competes Tax Credit provided to Snap; (2) the California Competes  
6                 Grant provided to Snap; (3) any social media company whose request for any tax credit  
7                 or grant was declined; and (4) all documents concerning the decision-making for the  
8                 foregoing. Such reasonable search shall include searches for documents discussing  
9                 whether to provide any social media company with incentives (e.g., grant or tax credit  
10                applications, internal GO-Biz discussions about whether to grant or deny such  
11                applications, the criteria considered or applied, etc.), any benefits of social media  
12                companies, and any decision about whether to provide any social media company with  
13                incentives.
- 14           b.     GO-Biz shall produce all responsive non-privileged documents located pursuant to the  
15                 search set forth in Paragraph 14(a) above on or before 30 days following the Court's  
16                 entry of this Stipulation.
- 17           c.     All such documents shall be designated "Highly Confidential" pursuant to the  
18                 Protective Order in this action (ECF 1209), and, except as provided in Paragraph 14(h),  
19                 Meta shall be the only Receiving Party. For the avoidance of doubt, Meta's status as  
20                 the Receiving Party shall not impact Meta's ability to disclose or utilize in any manner  
21                 such documents or the information contained therein in this litigation against any  
22                 Plaintiff (including California) as permitted under the terms of the Protective Order or  
23                 any other court order.
- 24           d.     GO-Biz shall redact from its production the name and any and all identifying  
25                 information of any social media company other than Snap in a manner that indicates  
26                 that information about a social media company was redacted, and identifies by letter or  
27                 number each different social media company redacted (e.g., "Social Media Co. 1").  
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1 Such redactions need not be included in any privilege log that may otherwise be  
2 provided.

3 e. GO-Biz shall redact from its production any information that is both protected by the  
4 deliberative process privilege and which is not relevant to whether California promoted  
5 the use of social media through the provision of incentives to social media companies  
6 operating within the State. GO-Biz shall do so in a manner that indicates the redactions  
7 were made pursuant to this paragraph. Such redactions need not be included in any  
8 privilege log that may otherwise be provided. Meta reserves all rights to challenge GO-  
9 Biz's application of such redactions, including (without limitation) the application of  
10 the deliberative process privilege to any document.

11 f. GO-Biz reserves the right to invoke any and all other privileges, including but not  
12 limited to the attorney-client or work product privilege, applicable to documents  
13 produced pursuant to this stipulation. Except as otherwise provided in this Stipulation,  
14 any responsive documents withheld or redacted on the basis of privilege shall be logged  
15 in accordance with the Privilege Log Protocol in this case (ECF 740). Meta reserves  
16 all rights to challenge GO-Biz's invocation of any privileges.

17 g. If GO-Biz determines that any document it intends to produce pursuant to the terms of  
18 this Stipulation is a document received from Snap, or is a document which contains  
19 information received from Snap, that GO-Biz believes is protected under Article 2 of  
20 the California Revenue and Tax Code (the "Snap Review Documents"), GO-Biz will  
21 provide written notice to the Parties ("Snap Notice") of GO-Biz's intent to produce the  
22 Snap Review Documents by the later of (i) the production deadline set forth in  
23 Paragraph 14(b) of this Stipulation, or (ii) 15 days after the date GO-Biz provides the  
24 Snap Notice. For the avoidance of doubt, the Parties agree that any document that  
25 references any grants to Snap actually provided by or contemplated by GO-Biz shall  
26 be considered a Snap Review Document. The Parties also agree that the Snap Review  
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Documents will be provided to Snap in the manner in which they will ultimately be produced to Meta, without additional redactions or other alterations.

h. The Snap Notice provided to Snap (but not Meta) shall give Snap access to the Snap Review Documents so that Snap has an opportunity prior to production to review the Snap Review Documents and provide written notice to GO-Biz and Meta of any objections by Snap to the production of the Snap Review Documents (“Snap Objections”).

i. If Snap does not provide Snap Objections on or before 14 days of GO-Biz’s provision of the Snap Notice, then GO-Biz shall produce the Snap Review Documents to Meta with any redactions permitted by this Stipulation.

ii. If Snap does provide Snap Objections on or before 14 days of GO-Biz’s provision of the Snap Notice, the Parties shall meet and confer about a potential resolution to the Snap Objections, and apply for judicial relief should no resolution be reached. GO-Biz shall not be required to produce the Snap Review Documents to Meta until such Snap Objections are resolved, either by agreement or court order.

iii. If, within 14 days of GO-Biz’s provision of the Snap Notice, Snap determines that it requires additional time to review the Snap Review Documents, the Parties shall meet and confer about an extension of the allotted period for review.

iv. For the avoidance of doubt, this subparagraph 14(h) does not impact GO-Biz’s document production obligations except with respect to the Snap Review Documents.

i. All notices required by this Stipulation shall be sent by email to each of the undersigned counsel for each of the Parties, and at the email addresses listed for each counsel. Such notices shall be deemed provided on the date they were sent.



j. For the avoidance of doubt, GO-Biz shall have no obligations under the Stipulation unless the Stipulation is so-ordered by the Court. Should the Court decline to enter this Stipulation, Meta shall not seek any additional document discovery from GO-Biz in connection with this action brought by the Plaintiff State of California.

**IT IS SO STIPULATED AND AGREED.**

Respectfully submitted,

DATED: April 14, 2025

By: /s/ Margaret R. Prinzing

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**SIGNATURE CERTIFICATION**

Under Civ. L.R. 5-1(h)(3), I, Ashley M. Simonsen, hereby attest that all signatories listed, and on whose behalf the filing is submitted, concur in this filing's content and have authorized this filing.

DATED: April 14, 2025

/s/ Ashley M. Simonsen

Ashley M. Simonsen

*Counsel for Meta Platforms, Inc.; Instagram, LLC;  
Meta Payments, Inc.; and Meta Platforms  
Technologies, LLC*

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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4 DATED: April 15, 2025

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PETER H. KANG  
UNITED STATES MAGISTRATE JUDGE